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12 Wendy Palmer Davis

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 GREGORY FULLER, an individual, and
17 WENDY PALMER DAVIS

18 Plaintiffs,

19 v.

20 CITY OF SALINAS, a public entity;
21 VERIZON COMMUNICATIONS, INC., a
22 Delaware
23 Corporation doing business in California, and
24 DOES 1 through 80, Inclusive.

25 Defendants.

CASE NO. 5:24-cv-05833-EKL

JOINT STIPULATED REQUEST AND
~~[PROPOSED]~~ ORDER TO EXTEND
TIME FOR CMC AND RELATED
DEADLINES

****AS MODIFIED****

Complaint Filed: June 26, 2024
Trial Date: Not Set

26 Pursuant to Civil Local Rules 6-1 and 6-2 this stipulation and agreement is made and
27 entered into between Plaintiffs GREGORY FULLER and WENDY PALMER DAVIS
28 (“Plaintiffs”) and Defendants CITY OF SALINAS and VERIZON COMMUNICATIONS, INC.
29 (“Defendants,” and Plaintiffs and Defendants collectively as the “Parties”) by and through their

1 attorneys of record.

2 WHEREAS, on June 26, 2024, Plaintiffs filed their Complaint naming all Defendants in
3 the above referenced action in the California Superior Court case number 24CV002660;

4 WHEREAS, on August 23, 2024, Verizon removed this case to the Northern District of
5 California, San Jose Division;

6 WHEREAS, on September 20, 2024, Plaintiffs filed a Motion to Remand the case back to
7 state court;

8 WHEREAS, the Motion for Remand is pending before this Court;

9 WHEREAS, the Parties filed, and this Court adopted, a stipulation on August 29, 2024 to
10 extend the time for all Defendants to answer or move to dismiss the Complaint until thirty (30)
11 days following the Court's Order on Plaintiffs' Motion to Remand;

12 WHEREAS, on October 2, 2024, the Court granted the Parties' first joint stipulation to
13 continue the initial case management conference in view of the pending Motion to Remand and
14 continued the conference from December 4, 2024, to February 26, 2025;

15 WHEREAS, on January 16, 2025, Clerk of the Court issued a notice that the Motion to
16 Remand was taken under submission without oral argument;

17 WHEREAS, on January 31, 2025, the Court granted the Parties' second joint stipulation
18 to continue the initial case management conference in view of the pending Motion to Remand
19 and continued the conference from February 26, 2025, to April 23, 2025;

20 WHEREAS, counsel for Defendants, Scott A. Elder, subsequent to the Court's
21 January 31, 2025 Order, had an oral argument in another matter scheduled before the Ninth
22 Circuit Court of Appeals for the same date as the initial case management conference, thus
23 creating a conflict;

24 WHEREAS, in the absence of a ruling on the Motion to Remand, it would be premature
25 and an inefficient use of judicial resources to proceed with a CMC;

26 WHEREAS, in the interests of judicial economy and litigation efficiency, and to
27 accommodate Mr. Elder's conflict, the Parties request that the Court further continue the initial
28 case management conference. This requested continuance will avoid unnecessarily taxing the
Court's resources. If the case is remanded to state court, it will be unnecessary for any CMC to

1 proceed in federal court. And if the case remains before this Court, Defendants plan to move to
2 dismiss Plaintiffs' complaint. Continuing the CMC ensures that it will proceed at a time when
3 the parties are in a better position to understand the scope of the case and able to provide more
4 reliable schedules and timeframes to the Court for litigating the matter.

5 **WHEREFORE IT IS HEREBY STIPULATED AND AGREED**, pursuant to Civil
6 Local Rule 6-1(b) and 6-2, by and between the Parties, as follows:

7 1. The Case Management Conference currently set for April 23, 2025 shall be
8 continued to a date available to the Court that is at least 21 days after the Court rules on both the
9 Motion to Remand and, if necessary, Defendants' anticipated motion to dismiss, which will
10 provide the parties time to meet and confer and to file a joint case management statement 7 days
11 before the CMC, in accordance with the Standing Order for All Judges of the Northern District
12 of California. The new date for the Case Management Conference shall be

13 _____.
14 2. Any and all deadlines flowing from the date of the Case Management Conference,
15 including any ADR related deadlines, shall be continued in accordance with the new date for the
16 Case Management Conference.

17 **IT IS SO STIPULATED.**

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19 Dated: April 4, 2025

ARDALAN & ASSOCIATES APC

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21 By: /s/ Jacqueline Weintraub
22 P. Christopher Ardalan, Esq.
23 Jacqueline Weintraub, Esq.
24 *Attorneys for Plaintiffs*
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1 Dated: April 4, 2025

ALSTON & BIRD LLP

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3 By: /s/ Tracy Yao
4 Scott A. Elder, Esq.
5 David Venderbush, Esq.
6 Jean Richmann, Esq.
7 *Attorneys for Defendant Verizon Communications Inc.*


8 Dated: April 4, 2025

BURKE, WILLIAMS & SORENSEN LLP

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10 By: /s/ Gregory Aker
11 Gregory Aker, Esq.
12 *Attorney for Defendant City of Salinas*

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15 **IT IS SO ORDERED:** The Case Management Conference is continued until May 28, 2025
16 at 1:30 P.M. by Zoom. A joint Case Management Statement is due two weeks before the
17 conference on May 14, 2025.

18 DATED: April 7, 2025

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20 HON. EUMI K. LEE
21 UNITED STATES DISTRICT JUDGE
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